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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,128

12/04/2003

Robert B. Nilsen

1571.2018-005

7639

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10/04/2007

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EXAMINER

SEFER, AHMED N

ART UNIT

PAPER NUMBER

2826

MAIL DATE

DELIVERY MODE

10/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/728,128

Applicant(s)

NILSEN ET AL.

Examiner

A. Sefer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) 1-13,24-27,32 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION***Election/Restrictions***

1. Applicant's election with traverse of Species A detailed by fig.1 and page 5, lines 1-15 in the reply filed on 7/9/2007 is acknowledged. The traversal is on the ground(s) that the restriction requirement does not comply with the MPEP which states the Restriction Requirement are made when groups of claims to inventions are found to be either independent or distinct. This is not found persuasive because Applicants have identified at least six embodiments (see page 5, lines 1-15; page 10, lines 8-22; pages 11 and 12, lines 27-29 and 1-9 respectively; page 12, lines 10-13; page 12, lines 14-26; and pages 12 and 13, lines 27-29 and 1-9 respectively. Furthermore, the Sub-species 1-3 have patentably distinct properties. Should applicant traverse on the ground that that the **intermittent light-transmissive blocking material, the intermittent conductive light blocking material, and the intermittent opaque light blocking material** are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

The requirement is still deemed proper and is therefore made FINAL.

Double Patenting

2. Applicant is advised that should claim 16 be found allowable, claim 23 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight

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difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 14, 15 and 17- 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hansen et al. ("Hansen") USPN 6,348,995.

Hansen discloses in figs. 5A and 5B an optical polarizer film comprising a substrate 47 having a subwavelength moth-eye structure (cols. 11 and 12, lines 55-67 and 1-26 respectively) including peaks and valleys and a conductive light-blocking material (cols. 8 and 11, lines 61-67 and 43-53 respectively) disposed in at least some of the valleys providing polarization.

Re claims 15, 17, 21 and 22, Hansen discloses a conductive light-blocking material including a plurality of conductive particles (figs. 5A and 5B) or nanoparticles (as recited in claim 17) having a size (col. 12, lines 20-25) within the recited range (as recited in claim 18)

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Regarding claim 19, Hansen discloses (col. 8 and 11, lines 61-67) a plurality of conductive particles including silver or aluminum or filler (as in claim 21) or fibers (as recited in claim 22).

Regarding claim 20, the claim fails to further limit the polarizer structure but only limits its method of being positioned.

5. Claims 14-16 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Nilsen et al. ("Nilsen") USPN 6,356,389.

Nilsen discloses in figs. 1-4 an optical polarizer film comprising a substrate having a subwavelength moth-eye structure 126 including peaks and valleys and a conductive light-blocking material (col. 5, lines 53-65) disposed in at least some of the valleys providing polarization.

Re claim 15, Hansen discloses a conductive light-blocking material including a plurality of conductive particles (col. 6, lines 28-43).

Re claim 16, Nilsen discloses a transparent coating 44 disposed on the polarizer film (fig. 2).

Regarding claim 20, the claim fails to further limit the polarizer structure but only limits its method of being positioned.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Sefer whose telephone number is (571) 272-1921

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Purvis can be reached on (571) 272-1236

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANS
September 27, 2007


A. Sefer
Patent Examiner
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